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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/788,471  
Filing Date: March 01, 2004  
Appellant(s): SINN, ULRICH

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Allison M. Tulino  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 2/29/08 appealing from the Office action mailed 7/13/07.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct. The After Final Amendment filed 10/12/07 was entered and the 112 first paragraph rejection was withdrawn

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner in view of the After Final Amendment filed 10/12/07.

**A.** Claims 1, 14 and 15 stand rejected under 35 U.S.C. 112, first paragraph.

#### **(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

#### **(8) Evidence Relied Upon**

7,073,083	LITWIN et al	07-2006
6,893,395	KRAUS et al	05-2005
7,103,344	MENARD, Raymond J.	09-2006

#### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

- Claims 1-4, 9-12, 14 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Litwin, Jr. et al. (US. 7,073,083 B2; hereinafter "Litwin")

Regarding **claim 1**, Litwin teaches a method for transmitting information data between a mobile radio transmitter and a radio receiver of a machine or plant (see Litwin, fig. 1, devices 102), comprising:

providing a first radio link between the radio transmitter and the radio receiver for transmitting safety related information data (see Litwin, fig. 1, auxiliary channel 108, col. 2, lines 13-14 and col. 3, line 26, wireless modem); and

providing a second radio link between the radio transmitter and the radio receiver for transmitting non-safety related information data (see Litwin, fig. 1, data channel 106, col. 2, lines 11-12),

wherein the first radio link and the second radio link are two physical channels that contemporaneously transmit the information data in parallel (see Litwin, fig. 1, auxiliary channel and data channel, col. 2, lines 46-47 and 55-60; col. 5, lines 46-51).

Regarding **claim 2**, Litwin also teaches the method as claimed in claim 1, wherein the first and the second radio link are set up and operated concurrently (see Litwin, col. 2, lines 57-60).

Regarding **claim 3**, Litwin also teaches the method as claimed in claim 1, wherein the first radio link is operated with a maximum packet life (see Litwin, col. 3, lines 28-40).

Regarding **claim 4**, Litwin also teaches the method as claimed in claim 3, wherein the first radio link is operated synchronously with a maximum packet life (see Litwin, col. 3, lines 28-40).

Regarding **claim 9**, Litwin also teaches the method as claimed in claim 1, wherein the first and the second radio links are set up via a single radio system (see Litwin, col. 2, lines 58-60, common physical medium).

Regarding **claim 10**, Litwin also teaches the method as claimed in claim 1, wherein safety related information is transmitted via a SCO link of a radio system using a Bluetooth standard (see Litwin, col. 3, lines 28-40).

Regarding **claim 11**, Litwin also teaches the method as claimed in claim 1, wherein non-safety related information is transmitted via an ACL link of a radio system using a Bluetooth standard (see Litwin, col. 4, lines 1-13).

Regarding **claim 12**, Litwin also teaches the method as claimed in claim 11, wherein non-safety related information is transmitted via the ACL link of a radio system using the Bluetooth standard (see Litwin, col. 4, lines 1-13).

Regarding **claim 14**, Litwin teaches a radio transmitter configured to transmit data to a radio receiver (see Litwin, fig. 1, devices 102) of a machine or plant, comprising:

a first radio link for transmitting safety related information data (see Litwin, fig. 1, auxiliary channel 108, col. 2, lines 13-14 and col. 3, line 26, wireless modem); and

a second radio link for transmitting non-safety related information data (see Litwin, fig. 1, data channel 106, col. 2, lines 11-12),

wherein the first radio link and the second radio link are two physical channels that contemporaneously transmit the information data in parallel (see Litwin, fig. 1, auxiliary channel and data channel, col. 2, lines 46-47 and 55-60; col. 5, lines 46-51).

Regarding **claim 15**, Litwin teaches a radio receiver of a machine or plant, configured to receive data from a radio transmitter (see Litwin, fig. 1, devices 102), comprising:

a first radio link for receiving safety related information data (see Litwin, fig. 1, auxiliary channel 108, col. 2, lines 13-14 and col. 3, line 26, wireless modem); and

a second radio link for receiving non-safety related information (see Litwin, fig. 1, data channel 106, col. 2, lines 11-12),

wherein the first radio link and the second radio link are two physical channels that contemporaneously transmit the information data in parallel (see Litwin, fig. 1, auxiliary channel and data channel, col. 2, lines 46-47 and 55-60; col. 5, lines 46-51).

- Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Litwin as applied to claim 1 above, and further in view of Kraus et al. (US. 6,893,395 B1; hereinafter "Kraus")

Regarding **claim 5**, Litwin teaches the method as claimed in claim 1.

Litwin is silent to teaching that further comprising using the first radio link to transmit duplicates of the safety related information. However, the claimed limitation is well known in the art as evidenced by Kraus.

In the same field of endeavor, Kraus teaches a method comprising using the first radio link to transmit duplicates of the safety related information (see Kraus, col. 4, lines 1-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Litwin with the teaching of Kraus in order to increase the reliability of the transmission of the emergency/safety related information (see Kraus, col. 2, lines 53-55).

Regarding **claim 6**, the combination of Litwin and Kraus also teaches the method as claimed in claim 5, wherein a predefined number of the duplicates is transmitted (see Kraus, col. 4, lines 9-12).

Regarding **claim 7**, the combination of Litwin and Kraus also teaches the method as claimed in claim 5, wherein the duplicates of the safety related information are



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transmitted until new safety related information is available (see Kraus, col. 3, lines 46-56).

Regarding **claim 8**, the combination of Litwin and Kraus also teaches the method as claimed in claim 5, wherein the duplicates of the safety related information are transmitted until the transmitted information has been correctly received (see Kraus, col. 2, lines 48-56).

- Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Litwin as applied to claim 12 above, and further in view of Menard (US. 7,103,344 B2; hereinafter "Menard")

Regarding **claim 13**, Litwin also teaches the method as claimed in claim 12.

Litwin is silent to teaching that wherein information is transmitted via a single radio system using the Bluetooth standard. However, the claimed limitation is well known in the art as evidenced by Menard.

In the same field of endeavor, Menard teaches that wherein information is transmitted via a single radio system using the Bluetooth standard (see Menard, col. 6, lines 14-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Litwin with the teaching of

Menard in order to allow sufficient range to conduct communications (see Menard, col. 7, lines 6-10).

## **(10) Response to Argument**

### **I. Transmission of safety related information data.**

Appellant argues that Litwin's teaching of transmitting an emergency shutdown signal on channel 108 containing a command to shutdown a slave device and a network address of the slave device fails to teach or suggest the claimed transmission of safety related information data because the network address is not information data. However, the Examiner respectfully disagrees.

More specifically, the Examiner submits that Litwin explicitly teaches that the emergency shutdown signal may contain the network address of the identified malfunctioning slave device (see Litwin, col. 3, lines 50-62). Thus, the Examiner submits that the *emergency* shutdown signal containing the network address of the malfunctioning slave device is safety related information data.

### **II. Contemporaneously transmission in parallel.**

Appellant further argues that Litwin's teaching of transmission of the emergency shutdown signal on the auxiliary channel 108 and normal data channel 106 (see Litwin, col. 2, lines 10-20; data channel 106 and auxiliary channel 108 use different frequencies/spreading codes) fails to teach or suggest the first link and the second link

contemporaneously transmit data in parallel. However, the Examiner respectfully disagrees.

More specifically, the Examiner submits that Litwin teaches a malfunctioning slave device continuously transmits data on data channel 106 without permission (see Litwin, col. 1, lines 33-36). Litwin also teaches that the master device monitors data channel 106 and detects the malfunctioning slave device which continuously transmits on data channel 106 (see Litwin, fig. 3, steps 304 and 306; col. 5, lines 36-45). Once the master device detects the malfunctioning slave device, the master device transmits an emergency shutdown signal on the auxiliary channel 108 (see Litwin, fig. 3, step 308; col. 5, lines 50-52) using emergency transceiver 208 (see Litwin, col. 4, line 59 – col. 5, line 2), while the malfunctioning slave device continuously transmitting without permission on data channel 106 using data transceiver 202 (see Litwin, col. 4, lines 30-39). Thus, Litwin teaches the master device transmitting the emergency shutdown signal on auxiliary channel 108 for this short time while the malfunctioning slave device transmitting without permission on channel 106.

From the addition and deletion of the proposed "continuously" amendment, it is clear that "contemporaneously" does not also include a continuous and long standing parallel transmission. Thus, the instance of the emergency signal being transmitted on 108 while data being transmitting on 106 without permission would fall within the scope of the claims. Therefore, the Examiner submits that data channel 106 and auxiliary channel 108 contemporaneously transmit information data in parallel.

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**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Wen W Huang/

Examiner, Art Unit 2618

Conferees:

Matthew D. Anderson

/Matthew D. Anderson/

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